

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW, the Defendant Correctional Officer Lauro Diaz (“Diaz” or “Defendant”), by and through his undersigned counsel, and hereby moves this Honorable Court (the “Motion”) to enter an Order, substantially in the form attached hereto, dismissing with prejudice all claims against him pursuant to Rule 56(c) of the Federal Rules of Civil Procedure. In support of the Motion, Defendant has filed simultaneously herewith Defendant’s Opening Brief In Support Of The Motion For Summary Judgment.

WHEREFORE, Defendant respectfully requests that this Honorable Court enter an order, substantially in the form attached hereto, dismissing the claims against him with prejudice.

**DEPARTMENT OF JUSTICE  
STATE OF DELAWARE**

/s/ *Erika Y. Tross*

Erika Y. Tross (#4506)

## Deputy Attorney General

820 N. French Street, 6<sup>th</sup>

Wilmington, DE 1980

(302) 577-8400

Attorney for Defendant Lauro Diaz

Dated: February 8, 2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

EMANUEL REDDEN, )  
                          )  
Plaintiff,            )  
                          )  
                          ) Civil Action No. 05-241-GMS  
v.                     )  
                          )  
CORRECTIONAL OFFICER DIEZ, )  
                          )  
Defendant.            )

**ORDER**

Upon Defendant's Motion For Summary Judgment pursuant to Federal Rule Of Civil Procedure 56(c) (the "Motion"); and it appearing that good and sufficient notice of the Motion has been given; and after due deliberation thereon:

**IT IS HEREBY ORDERED** as follows:

1.     The Motion is **GRANTED**.
2.     The Complaint filed in the above-captioned action is **DISMISSED WITH PREJUDICE**.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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The Honorable Gregory M. Sleet  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I, Erika Y. Tross, Esq., hereby certify that on February 8, 2007, I caused a true and correct copy of the attached ***Defendant's Motion For Summary Judgment*** to be served on the following individual in the form and manner indicated:

**NAME AND ADDRESS OF RECIPIENT:**

Inmate Emanuel Redden  
SBI #00092507  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

**MANNER OF DELIVERY:**

One true copy by facsimile transmission to each recipient  
 Two true copies by first class mail, postage prepaid, to each recipient  
 Two true copies by Federal Express  
 Two true copies by hand delivery to each recipient

*/s/ Erika Y. Tross*  
\_\_\_\_\_  
Erika Y. Tross (#4506)  
Deputy Attorney General  
Delaware Department of Justice  
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